



08 APR 2008

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In re Application of  
CHOI et al.

Application No.: 10/580,132

PCT No.: PCT/KR06/00071

Int. Filing Date: 06 January 2006

Priority Date: 06 January 2005

Atty. Docket No.: 2511.0030000JUK/DLL

For: DICARBOXYLIC ACID SALT OF  
SIBUTRAMINE

DECISION

This decision is issued in response to applicant's "Request to Correct 35 U.S.C. 371 Date" filed 07 June 2007, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is due.

### **BACKGROUND**

On 19 May 2006, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; and a preliminary amendment. Applicant did not mark Box 3 on the transmittal letter (PTO-1390) which states "[t]his is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Article 22 and 39(1)."

On 02 March 2007, applicant filed an executed declaration of inventorship. Additionally, applicant submitted a subsequent transmittal letter (PTO-1390) which indicated that "[t]his is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Article 22 and 39(1)."

On 10 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 02 May 2007 and a 35 U.S.C. 371 completion date of 02 May 2007.

On 07 June 2007, applicant filed "Request to Correct 35 U.S.C. 371 Date."

### DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 02 May 2007 to 02 March 2007. The actual filing date of the present application is the international filing date, i.e., 06 January 2006. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01)

A review of the application file and the materials filed by applicant on 07 June 2007 confirms that the executed declaration completing the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was filed herein on 02 March 2007. The Notification Of Acceptance and filing receipt mailed 10 May 2007, both of which identified the 35 U.S.C. 371(c) date as 02 May 2007, are therefore appropriately vacated.

Accordingly, the correction of the Notification of Acceptance to indicate a date of 02 March 2007 is proper.

### CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is GRANTED.

The Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 10 May 2007 are hereby **VACATED**.

The National Stage Processing Branch of the International Division will be instructed to issue a corrected Notification Of Acceptance (Form PCT/DO/EO/903) identifying the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 02 March 2007 and a corrected filing receipt which identifies 02 March 2007 as the filing date.

Thereafter, this application will be referred to its appropriate Art Unit.



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